

REMARKS**Summary of the Office Action**

The title of the invention is allegedly “not descriptive.” A new title is required.

Claims 1, 2, 3, 6, 7, 12 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Murata (U.S. Patent Application No. 2002/0,087,555) (hereinafter “Murata”).

Claims 4, 5 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata as applied to claims 1-3, 6, 7, 12 and 13 above, and further in view of Masuno et al. (U.S. Patent No. 5,696,919) (hereinafter “Masuno”).

Summary of the Response to the Office Action

Applicant has amended the title. Applicant has also amended claims 1, 12 and 13 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. Claim 4 has been canceled without prejudice or disclaimer.

Accordingly, claims 1-3 and 5-13 remain currently pending for consideration.

Objection to the Title

The Office Action alleges that the title of the invention is “not descriptive.” Accordingly, a new title is required. In accordance with this requirement, Applicant has amended the title to read “APPARATUS AND METHOD FOR REPRODUCING DATA INCLUDING SUBSEQUENT PROCESSING-EXECUTION DEVICE AND STEP.” Accordingly, withdrawal of the requirement for a new title is thus respectfully requested.

Rejections under 35 U.S.C. §§ 102(e) and 103(a)

Claims 1, 2, 3, 6, 7, 12 and 13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Murata. Claims 4, 5 and 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata as applied to claims 1-3, 6, 7, 12 and 13 above, and further in view of Masuno.

Applicant has amended claims 1, 12 and 13 to differently describe embodiments of the disclosure of the instant application and/or to improve the form of the claims. To the extent that the Examiner might deem that these rejections still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Independent claim 1 has been newly-amended to describe an apparatus for reproducing data that includes a combination of advantageous features including “a detection device for detecting, based on no existence of the control data for designating the content data to be reproduced next, or no existence of the content data to be reproduced next or a non-designated state thereof, whether or not the reproduction of said content data by means of said reproduction device is to be halted based on said control data.” These features were described, at least in part, in previous dependent claim 4 which has thus now been canceled without prejudice or disclaimer. The newly-added features to independent claim 1 in these regards are discussed in the specification of the instant application, for example at page 6, lines 19-24 of the instant application.

At page 6 of the Office Action with regard to the rejection of previous dependent claim 4, the Examiner alleges that Masuno teaches “detection device detects no existence of the control data designating content data, which are to be reproduced next by means of said reproduction

device (when user is changing the disc, no existence of the control data would be detected).”

Applicant respectfully submits that it appears that the Examiner assumes that a disc changing operation is carried out and makes such an assertion. However, Applicant respectfully submits that Masuno is silent about how to carry out a disc changing operation. Applicant respectfully submits further that Masuno does not even disclose a disc changer to any extent.

Since Masuno is silent about a disc changing operation, Applicant respectfully submits it may be understood that, when a user changes a disc as pointed out by the Examiner, a reproduction operation is not carried out. In such a state, Applicant notes that it would not make any sense to detect whether or not the reproduction of content data is to be halted.

On the contrary, Applicant respectfully submits that the detection device as described in newly-amended independent claim 1 of the instant application detects whether or not the reproduction of the content data by means of the reproduction device is to be halted. This is based on condition that the content data are being reproduced.

The Examiner’s indication in the Office Action is based on a condition that the content data are not being reproduced. Applicant therefore believes the Examiner’s indication to no longer apply to the combination of features of newly-amended independent claim 1 of the instant application.

Applicant notes that even if the Examiner applies to Masuno commonly known disc changing methodologies, such as a method typically applied to a player without a disc changer (in which a disc is ejected from the player and then a new disc is inserted into it), or another method typically applied to a player with a disc changer (in which a certain disc is exchanged with another desired disc selected from a plurality of disc stored in the disc changer) and makes

the above-mentioned assertion, Applicant respectfully submits that Masuno still discloses or suggests nothing about the features that have been newly-added to independent claim 1 of the instant application.

Applicant notes that even when a disc changing operation is carried out during reproduction of another disc in Masuno, this reference merely suggests the detection of a disc-change command to forcibly halt the reproduction. Applicant respectfully submits that such teachings are not related to the features that have been newly-added to independent claim 1 of the instant application.

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that none of Murata and Masuno, whether taken separately or in combination, teach or suggest the features described in the combination of newly-amended independent claim 1 of the instant application.

Applicant respectfully submits that according to the subject matter of the present invention as claimed in newly-amended independent claim 1 including “a detection device for detecting, based on no existence of the control data for designating the content data to be reproduced next, or no existence of the content data to be reproduced next or a non-designated state thereof, whether or not the reproduction of said content data by means of said reproduction device is to be halted based on said control data,” it is possible to solve problems as described in the specification of the instant application, for example, at page 2, lines 7-16. Applicant notes that since neither of Murata and Masuno discloses or suggests such newly-added features of independent claim 1, these references cannot provide such a technical effect.

Applicant therefore believes that the subject matter of the present invention, as claimed in newly-amended independent claim 1 of the instant application, is patentable over Murata and Masuno, whether taken separately or in combination with each other.

The remaining independent claims 12 and 13 have also been newly-amended to describe similar features as discussed above with regard to independent claim 1 of the instant application. Accordingly, similar arguments as discussed above with regard to independent claim 1 also apply to newly-amended independent claims 12 and 13.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(b) and 103(a) should be withdrawn because neither Murata nor Masuno, whether taken singly or combined, teach or suggest each feature of independent claim 1, 12 or 13 as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)." Furthermore, Applicant respectfully asserts that dependent claims 2-3 and 5-11 are allowable at least because of their dependence from claim 1 and the reasons set forth above.

CONCLUSION

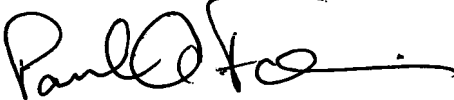
In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: June 15, 2007

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